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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,706	08/04/2006	James Adkins Froman	US040123US	7335

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
Briarcliff Manor, NY 10510-8001

EXAMINER
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SO, ELIZABETH K

ART UNIT	PAPER NUMBER
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3766

MAIL DATE	DELIVERY MODE
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07/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,706	<b>Applicant(s)</b> FROMAN ET AL.	
	<b>Examiner</b> ELIZABETH K. SO	<b>Art Unit</b> 3766	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 04/22/2009 have been fully considered but they are not persuasive. The examiner maintains the rejections to claims 1-6 and 15 under Matos in view of Snyder, rejections to claims 7-14 under Matos in view of Snyder and further in view of Ungs, and rejections to claims 16-18 under Matos in view of Ungs, with further explanation below.

### ***Drawings***

2. Due to the amended drawings filed 04/22/2009, the objections to Figs. 2, 4, 6, 7, and 8 have been withdrawn.

### ***Specification***

3. Due to the amendment to the specification filed 04/22/2009, and the clarification provided by the applicant, the objection to the disclosure has been withdrawn.

### ***Claim Rejections - 35 USC § 112***

4. Due to the amended claims filed 04/22/2009, the rejections to claims 4-7 and 13-14 under 35 U.S.C. 112, second paragraph, have been withdrawn.

### ***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matos in view of Snyder et al (both previously cited).

Regarding claims 1 and 15, the applicant argues that Matos does not show a training mode. However, the claim is written broadly enough for the examiner to interpret the training

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mode as being used with the defibrillator without being contained by it, so that the external defibrillator is usable in the training mode through a user interface. Matos shows that the remote medical professional communicates with the enabler at the scene on how to provide therapy from the defibrillator. The communication provides instruction to the user at the scene, so that the user is being trained in real-time on how to administer the therapy. This interpretation reads on claim 1, therefore Matos shows the training mode as written in the claim.

Regarding claims 2-6, see the previous Office Action.

7. Claims 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matos in view of Snyder et al as applied to claim 1 above, and further in view of Ungs et al (all previously cited).

The applicant argues that Ungs does not show training electrodes for a training mode. However, Ungs clearly shows using training electrodes with a CPR mannequin for a training mode. Combined with claim 1 above, the remote medical professional would still be able to provide training instruction to the user at the scene. In this case, the instructor would be assisting the user who is being trained to use training electrodes on a practice apparatus and not a live human being. If the user were receiving instruction for a human instead of a mannequin, the user would still be receiving real-time training but also applying actual therapy to a human being. So that the defibrillator is in the therapy mode (while receiving training instruction) when the subject comprises a human being, and the defibrillator is in the training mode (receiving training instruction for using training electrodes on a mannequin) when the subject comprises a training apparatus. Therefore, the modification of claim 1 in view of Ungs reads on claims 7-14.

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8. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matos in view of Ungs et al (both previously cited).

The applicant argues that Matos does not teach a training mode or capability and that Ungs detects no impedance change. See the comments made in the rejections to the above claims, which apply here as well. The training mode is broadly written so that Matos reads on the claims (see claim 1 above). The previous Office Action shows that Matos teaches detecting an impedance change. The combination of Matos in view of Ungs (see claims 7-14 above) shows detecting an impedance change while using training electrodes (intended for a mannequin) in place of rescue electrodes (intended for a human).

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH K. SO whose telephone number is 571-270-7405.

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The examiner can normally be reached on Monday - Friday, 10:00 A.M. - 5:00 P.M., EST, and part of the day on Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl H. Layno can be reached on 571-272-4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. K. S./  
Examiner, Art Unit 3766

/Carl H. Layno/  
Supervisory Patent Examiner, Art Unit  
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